

EXHIBIT C

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50-H HEARING IN THE MATTER OF:
LAWRENCE DOBROFF,

COPY

Claimant,

-against-

HEMPSTEAD UNION FREE SCHOOL DISTRICT, REGINA
ARMSTRONG, MARIBEL TOURE, GWENDOLYN JACKSON,
DAVID B. GATES, LAMONT JOHNSON, RANDY STITH,
JACK BIERWIRTH,

Respondents.

-----X

One Old Country Road
Carle Place, New York

January 22, 2019
10:00 a.m.

EXAMINATION of LAWRENCE DOBROFF, the
Claimant herein, held at the above-mentioned
time and place, taken before Lynn Luckman, a
Notary Public and Shorthand Reporter within and
for the State of New York.

SANDY SAUNDERS REPORTING
254 South Main Street, Suite 216
New City, New York 10956
(845) 634-7561

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A P P E A R A N C E S:

TAND & ASSOCIATES

Attorneys for the Claimant
1025 Old Country Road, Suite 314
Westbury, New York 11590

BY: HOPE SENZER-GABOR, ESQ.

THE SCHER LAW FIRM, LLP

Attorney for the Respondents
One Old Country Road, Suite 385
Carle Place, New York 11514

BY: AUSTIN GRAFF, ESQ.

LAWRENCE DOBROFF

L A W R E N C E D O B R O F F, the
Claimant herein, after having been previously
duly sworn by a Notary Public of the State of
New York was examined and testified as follows:

BY THE REPORTER:

Q. Please state your full name for the
record.

A. Lawrence Dobroff.

Q. Please state your present address for
the record.

A. 15 Southwick Court North, Plainview,
New York 11803.

(Whereupon, Plaintiff's
Exhibit 1, Notice of Claim, was
marked for identification
before the proceedings began.)

EXAMINATION BY

MR. GRAFF:

Q. Good morning, Mr. Dobroff.

A. Good morning, sir.

Q. My name is Austin Graff and I am an
attorney who represents the Hempstead Union Free
School District, and I also represent Regina

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Armstrong, Maribel Toure, Gwendolyn Jackson,
David B. Gates, Lamont Johnson, Randy Stith and
Jack Bierwirth in this matter.

I'm going to be asking you some
questions today. If there's anything that I ask
you that you don't understand, please stop me.
If you answer a question, I will assume that you
understood the question that I am asking you.

Your responses have to be verbal as
the court reporter cannot take down a non-verbal
response. If you need to take a break at any
time, please answer the last question that was
pending and if there is no question then
pending, we can do that.

Is there anything that prevents you
from being able to tell the truth today such as
medication, drugs or alcohol?

A. No.

Q. In the last 24 hours, have you
consumed any alcohol?

A. No.

Q. Are you on any prescription
medication?

A. Yes.

LAWRENCE DOBROFF

Q. What prescription medication?

A. Blood pressure and cholesterol.

Q. Would those medications have any effect on your ability to tell the truth today?

A. I don't think so.

Q. I'm going to show you what has been previously marked as Respondent's Exhibit 1 of today's date before the deposition began. (handing)

Do you recognize this document, sir?

A. Yes.

Q. What do you recognize this document to be?

A. This document is a claim for damages against the School District and I am the claimant.

Q. If you would go to the last page of that document, is that your signature above your typed name?

A. Yes, it is.

Q. You signed it before a notary public; correct?

A. I did.

Q. If you would just go to the second to

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last page, there is a signature on that page.

Is that your signature?

A. It is.

Q. You signed it on July 16, 2018;
correct?

A. I did.

Q. Did you write that date, July 16,
2018?

A. I did.

Q. Before you signed this document, did
you review it?

A. I did.

Q. At the time that you signed this
document, was everything truthful in it?

A. It was.

Q. Has anything changed that would make
it inaccurate at this time?

A. Let me just review it.

Q. Please feel free.

A. (Peruses) Just a few points. It's of
the comments. Obviously, I haven't been tenured
yet. I was on a tenure track, whether that is
considered to be the same thing or not, I don't
know. That is obviously the case that I've been

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there less than four years and a need for tenure at this stage, that was the first comment. The second comment is - - did I miss it? Oh, it says, oh, on page 2 "Respondent's unlawful and discriminatory behavior commenced in or around August of 2017, and continues to present day," which was July 16th and I'm not too sure if that is actually correct. I was terminated on May 21st. I'm not sure that that technically is right or wrong.

Q. We will go through it. I just want to know if those were the only two changes - -

A. Those were the two changes that kind of jumped out at me.

Q. On the first page it says "Attorneys for claimant is Leeds Brown Law. Is that currently your attorney?

A. No, they are not currently my attorney.

Q. What is the name of the law firm that is currently representing you?

A. Tand and Associates.

Q. What date were you hired by the District?

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LAWRENCE DOBROFF

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A. I commenced employment on August 1,
2017.

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Q. When you say that you "commenced
employment," were you hired on that date?

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A. No, I was hired on or about July 26,
2017. I started the following Tuesday and that
would have been August 1st.

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Q. What was the last date that you
worked for the District?

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A. How do you define the term "work"?

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Q. When was the last time that you were
in the District performing your duties in your
position in the District?

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A. Do you mean in the District as
opposed to being at home working?

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Q. Yes, right.

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A. The last time I was in the District
was the first Friday in March, which I think was
March 1st or 2nd. I don't remember the exact
date.

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Q. After that March 1st or 2nd date, did
you perform any duties for the District not on
District property?

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A. I was told that I was assigned to

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home and - - -

Q. Were you given any work to perform while you were assigned at home?

A. I don't believe that I was.

Q. What was the date that the District terminated your employment?

A. The last date - - - what is the question? Is the question the last date when I was notified?

Q. When was the last date that you ever made - - -

A. I believe it was May 21st.

Q. Would that be 2017?

A. 2017, yes.

Q. Do you know when the Board approved your termination?

A. According to this (indicating) and I haven't looked at it lately, it was on or about April 19th of 2018.

Q. Were you told by anyone why you were fired?

A. I received a letter in the mail as to the cause.

Q. Do you remember what the letter said?

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1 A. I don't remember what the letter said
2 at this stage.

3 Q. Do you know who the letter was
4 written by or who signed the letter?

5 A. There were a couple of different
6 letters and I'm not exactly sure of what you are
7 referring to. One was from Regina Armstrong,
8 and I think that was the notice from Jonathan
9 Scher and I don't know which one you are
10 referring to.

11 Q. Did the letter from Regina Armstrong
12 claim why you were terminated?

13 A. I would have to re-read that letter
14 to tell you for sure. I believe it did, but I
15 can't say with 100 percent certainty.

16 Q. The letter from Jonathan Scher, did
17 that letter explain to you why you were
18 terminated?

19 A. I don't remember the exact letter and
20 I would have to re-read it.

21 Q. When you commenced your employment
22 with the District, and when I say "the
23 District," you understand that I mean the
24 Hempstead Union Free School District - - -
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LAWRENCE DOBROFF

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A. Yes.

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Q. (Continuing) What was your job title
when you were hired?

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A. I believe it was assistant
superintendent for business and operations, but
it could have been assistant for finance. I
think that it was the assistant superintendent
for business and operations.

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Q. At any point, did that change?

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A. No.

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Q. On page 2 of your Notice of Claim,
you talked about an earlier claim about not
being tenured; you were not tenured in your
position?

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A. Not tenured, but I was on the tenure
track.

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Q. You are not making a claim that you
should have received tenure, are you?

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A. Not at that time.

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Q. Also on page 2 it says that you were
wrongfully terminated. What was wrongful about
your termination?

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A. I believe as the Notice claims that
it was due to discrimination based upon race and

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age, disability and religion.

Q. Did you have an employment contract with the District?

A. Did not have any contract with the District, but that was in violation of the State Controller's guidelines.

Q. Do you know what specific guidelines it violated?

A. NO, I don't know exactly. But, I was told that the Controller's Office came down on the District for not having contracts in place for the assistant superintendents. I was not the only assistant superintendent, none of the assistant superintendents had contracts.

Q. Did the Controller make that claim while you were employed by the District?

A. I don't know for sure.

Q. Do you know whether it was after you were employed by the District?

A. It could have been during or after my employment and I don't know for 100 percent certainty.

Q. Who told you about the Controller's statement?

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A. I don't remember.

Q. Were you a member of any of the District's unions?

A. No.

Q. As part of the Notice of Claim, you are naming Regina Armstrong as a respondent.

What is the basis for claiming Regina Armstrong?

A. Ms. Armstrong was the superintendent responsible for the actions of the District.

Q. Did she do anything personally to you while you were employed that you are making a claim against her?

A. Well, I believe that her interactions or her lack of management put me in very bad spot. So, in that regard, yes.

Q. How did her "lack of management" put you in a bad spot?

A. She didn't act as a superintendent running the District.

Q. What did she do?

A. We hardly ever spoke in a substantive manner and Jack Bierwirth was basically running the show.

Q. You named Maribel Toure as a

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respondent. Why did you name her as a
respondent?

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A. Because she was on the Board.

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Q. Did she do anything personally to
you?

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A. No.

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Q. You named Gwendolyn Jackson as a
respondent. Why did you make her - -

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A. She was also on the Board.

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Q. Did she do anything personally to
you?

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A. No.

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Q. David B. Gates is one of the
respondents. Why did you name him?

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A. David B. Gates, I thought was nasty
and looking for a fight in Board meetings and
sometimes in executive session. I will leave it
at that.

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Q. Did he do anything to you personally
to make you name him as a respondent?

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A. Other than his comments and riling
the audience, and it makes a very hostile
environment. As far as that I would say those
are the issues that I had with him.

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Q. What comments did he make?

A. He was always - - - it was like when you had to go to a Board meeting, his comments were always looking to stir up the audience.

Q. Did he do anything to you publicly?

A. He had made comments about me publicly that were looking to make me look bad.

Q. Do you remember anything specifically?

A. It had to do with the fact that we were looking at putting in some buildings and I did the calculations as far as what the tax package would be on this huge deal. He was just - - - he was wrong and I just - - - he makes me - - - he tried to make me look stupid in the sense that I did the calculations based on the values, on the average values. He was like "Why don't you take this or that?" There was no rhyme or reason for it otherwise, just looking for an argument.

Q. Were his comments made in public session or general session?

A. Public session.

Q. Do you remember the dates of any of

1 LAWRENCE DOBROFF

2 those comments?

3 A. No. I don't know, but it would have
4 been sometime in - - I'm thinking sometime in
5 December, December 8th, but I'm not 100 percent
6 certain.

7 Q. Would that have been December of
8 2017?

9 A. 2017, correct.

10 Q. Are there any other reasons that you
11 have about Dr. Gates that made you name him as
12 a respondent?

13 A. No.

14 Q. You also named Lamont Johnson as a
15 respondent. Why did you name him as a
16 respondent?

17 A. Because he was on the Board.

18 Q. Did he do anything personally to you?

19 A. No.

20 Q. You also named Randy Stith as a
21 respondent. Why did you name him?

22 A. He was anti-Semitic. It was those
23 comments that he made.

24 Q. What comments did he make?

25 A. He made anti-Semitic comments at

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Board meetings in public. He made comments as to a meeting that the superintendent had on a Sunday, and I think it was September 17th of 2017 and then he made an anti-Semitic comment to me in private when he came into my office sometime in September or October.

Q. Let's start with the one that he made privately: What did he say to you?

A. I was talking, and he didn't realize that I was Jewish at the time and he made a comment about superintendents not belonging here, not being part of the community and not being wanted.

Q. Are you talking about Shimon Waronker?

A. Yes, I am.

Q. What makes you believe that those were words that were anti-Semitic?

A. At the time I wasn't 100 percent, but it was the lead on other events that just added up.

Q. What were those "added up" events that occurred after the private comments?

A. Well, I can't say with certainty, but

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I believe it was either before or after September 17th, that meeting. I'm not 100 percent certain but it was at that point in time that I knew where he was coming from. But, being that he was in the minority on the Board, I really didn't care that much.

Q. What happened at the September 17th meeting?

A. He got up in the audience and was talking about how the superintendent had this meeting on a Sunday which was his Sabbath and why did they have it on a Saturday, "That's your Sabbath, and I don't care about your Sabbath." He was in the audience trying to get them riled up.

Q. When you were referring to him talking about the Sabbath, were you talking about you or Dr. Waronker?

A. I was talking in general, he was probably directing the comments towards the superintendent.

Q. Would that be Dr. Waronker?

A. Dr. Waronker.

Q. You said that this was at that

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September meeting, right?

A. Yes, the private meeting.

Q. Were there any other meetings?

A. In January, sometime in January, that was in December maybe, the last Saturday in December. I received a phone call from Timothy Gregg who was then the head of facilities. He told me that a pipe had burst at the Prospect School. So, I went down there on that Saturday morning to check on the situation and Regina Armstrong was also there, Jack Bierwirth was there, and Timothy Gregg obviously was there. Glenda Jackson also came, and Randy Stith came and we looked at the situation.

It was my responsibility because I knew the superintendent, because I knew it was on the Sabbath and he could not attend. I wanted to go to report back to him that night or on Sunday morning so that he would be up to speed. It was the following meeting that Randy Stith, who knew the superintendent was Orthodox and couldn't come on Saturday which was just playing to the audience. There were a lot of anti-Semitic comments in the audience and riling

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them up and making it very uncomfortable and a hostile environment. Plus, the gunshots at the Board meeting made for a very hostile work environment.

Q. Were the comments that you are alleging that were anti-Semitic, were they addressed to you or Dr. Waronker?

A. To Dr. Waronker. However, I will say that when you're in a situation playing to a hostile audience and you are making comments that are intended to rile up the audience, that I don't have to be necessarily the directed-to party to feel the threat. That is how I viewed it.

Q. Did you complain to anyone about what Randy Stith had said?

A. I did.

Q. Who did you complain to?

A. I sent a letter to the Commissioner.

Q. What was the date of that letter?

A. I think it was February 16th, on or about.

Q. Was the letter to the Commissioner addressing the comments made by Mr. Stith?

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A. Among other things, yes.

Q. What else was in that letter?

A. I had some thoughts about Jack Bierwirth that I threw into the letter too. It was an overall evaluation of what I thought was wrong with what was going on in the District.

Q. Did anyone know that you wrote that letter?

A. At the time?

Q. Yes.

A. No.

Q. Subsequent to that, did anyone know?

A. I can't tell you for 100 percent certainty who knows. I am sure and I only would be speculating on this now, but I'm sure Jack Bierwirth probably is aware.

Q. Do you have a copy of that letter?

A. Not with me.

MR. GRAFF: I'm going to call for the production of a copy of that letter.

THE WITNESS: I will get it to you. I just didn't bring it with me.

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MS. SENZER-GABOR: I may
have it with me.

Q. Before you were terminated, did
anyone know in the District about this letter?

A. I'm not certain.

MS. SENZER-GABOR: Do you
want the letter now?

MR. GRAFF: Okay, thank
you.

MS. SENZER-GABOR:
(Handing)

MR. GRAFF: I will make a
copy of this.

Q. One of the respondents is Jack
Bierwirth. Why did you name Jack Bierwirth as a
respondent?

A. Because Jack Bierwirth was the party
running the District, effectively running the
District, even though Regina Armstrong was
technically the acting superintendent.

Q. What do you mean that he was "running
the District"?

A. Nothing was done without Jack's
blessing, from what I could see. Superintendent

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Waronker and Jack Bierwirth were fighting all the time and Jack Bierwirth was trying to control - - -

Q. What types of things was Jack Bierwirth trying to control within the District?

A. Everything. If you read his letters to the Commissioner, he was involved with the education, with the facilities, with the business office, with the budget, everything that went on. He wrote extensively on all areas of the District.

Q. Did he get involved in the operations of the business office?

A. Yes, he did.

Q. How did he get involved with the operations of the business office?

A. Well, besides coming in and talking to me all the time, not obviously - - - obviously not all the time, but on multiple occasions, he brought in somebody to help me. (indicating)

Q. Who was that?

A. Ed Cullen, C-U-L-L-E-N.

Q. Would you say that Jack interfered

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with your work?

A. Yes.

Q. Do you have any specific examples of how he interfered?

A. By basically bringing someone else into - - into my office to talk to my staff, and Joe Dragone talked to my staff and things were - - - things probably went on behind my back that I was not even aware of.

MR. GRAFF: Let's mark
Claimant's Exhibit 2.

(Whereupon, Claimant's
Exhibit Number 2 was marked for
identification.)

Q. I'm going to show you what has now been marked as Claimant's Exhibit 2 for identification. (handing) Do you recognize this document?

A. I do.

Q. Is this the full letter that you sent to the Commissioner?

A. It seems that way.

Q. Do you have a signature on it?

A. No, because it was sent as an e-mail.

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Q. Was it attached on to an e-mail or was it in the text of the e-mail?

A. No. I'm pretty sure that I wrote this in Word and then attached it as an exhibit.

Q. Did you send this from the District e-mail account or from your personal e-mail?

A. Probably from my personal e-mail account. I'm not 100 percent sure.

Q. You said that this was sent about February 16, 2018; right?

A. Yes.

MR. GRAFF: We will get back to this in a moment.

Q. In the Notice of Claim which was marked as Exhibit 1, you stated that you were discriminated based upon your race. What is your race?

A. I am white.

Q. What is the basis for that answer that you were discriminated against based upon your race?

A. As an example, the other administrators had a Christmas party and I was probably the only white administrator that was

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not invited.

Q. Do you know when that party occurred?

A. I believe it was on December 18, 2017.

Q. Do you know who organized it?

A. I'm not 100 percent certain.

Q. How do you know that all the other administrators were invited?

A. I was told by Andrew Hardwick about the party afterwards.

Q. Do you know where the party occurred?

A. No.

Q. Any other examples of why you believe that you were discriminated based upon your race?

A. I believe part of my termination was based upon my - - - I believe that they didn't want somebody who was white in that position.

Q. You had mentioned Ed Cullen before. Do you know what his race is?

A. He is white.

Q. Do you know Bridget Villereale?

A. Yes.

MR. GRAFF: By counsel, V-

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I-L-L-E-R-E-A-L-E.

A. (Continuing) She is white, I believe.

Q. What are her job duties?

A. She was the business manager's assistant, but I'm not too sure.

Q. Did anyone make comments to you regarding your race?

A. No.

Q. Were you treated differently because of your race?

A. Again, using that example, I believe that I was.

Q. "That example" being the party?

A. The party, yes, and just in general sitting on the other side of the table and everybody else kind of being together and me being apart during the meetings.

Q. Was there any specific meeting that stands out where you were apart where everyone else was together?

A. Specific meetings? No. I think it was more the general than the exception.

Q. In your Notice of Claim you also

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allege that you were discriminated based upon
your age. What was your age at the time that
you were hired?

A. Sixty.

Q. What is your date of birth?

A. January 4, 1957.

Q. Did anyone in the District know your
age?

A. Yes.

Q. Who knew your age?

A. I'm sure that Dr. Gilmore knew my age
because it was on the application form. I don't
know if anyone else knew it.

Q. Did anyone say anything to you
regarding your age?

A. No.

Q. What is the basis for you to say that
you were discriminated based upon your age?

A. As another reason for being
terminated.

Q. Do you have any examples where you
believe you were discriminated based upon your
age?

A. Nothing specific.

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Q. You also allege that you were discriminated based upon your disability.

A. Correct.

Q. What is the disability?

A. On or about January 18, 2018 I had scheduled two doctor's appointments for February 12, 2018. My doctor was not available the week of Washington's birthday on which the school District was closed. So, I had to take some time after that in order to see the doctor and I happened to make that appointment for the afternoon of February 12th, two doctor's appointments. I went to my GP and my internist, and it was the same day that Luz Valentin, that was the teacher that was kicked out by Randy Stith. I had to leave anyway, and I wasn't able to get overly involved because I had to go to my doctor's appointments.

When I went to my doctor's appointments, he saw my blood pressure and he said that I couldn't go back to work for the rest of the week at a minimum, because my blood pressure was uncontrolled(sic) and he was concerned. There were comments made afterwards

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1 either by Gates or Stith about my not wanting to
2 come to work, which wasn't the case.

3
4 I had said that my doctor told me
5 that I couldn't come to work and I submitted a
6 letter that Regina Armstrong - - I submitted
7 it to her that day or I forwarded it to her, the
8 doctor's note, saying that I could not come in,
9 I couldn't come back until I was actually given
10 permission by the doctor.

11 Q. You submitted that note on or about
12 February 12th; correct?

13 A. Yes, of 2018.

14 Q. February 12th, is that when you
15 started to take blood pressure medication?

16 A. I don't remember.

17 Q. So, the disability that you are
18 alleging was high blood pressure?

19 A. Yes.

20 Q. How does that affect your daily life?

21 A. No, it would be the comments made by
22 either Stith or Gates, and I don't know which
23 one. I would have to go back and see if I can
24 find the comments about my taking time off when
25 "I wasn't really sick."

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LAWRENCE DOBROFF

Q. When did either Mr. Gates - - or Dr. Gates or Mr. Stith make that comment?

A. Some time I think that week or the following week. What happened, since Luz Valentin had been kicked out of the office and she didn't have a treasurer who could run payroll, that created a whole series of events. So, there was a lot of turmoil in the business office that week, which I couldn't go to because I wasn't allowed to go into the office.

Q. Were those statements made by Dr. Gates or Mr. Stith to you?

A. No, they were to others.

Q. In public?

A. Meetings, yes, but I'm not sure when.

Q. Do you know who those comments were made to?

A. I would have to check. I don't remember.

Q. What would you have that would allow you to check?

A. I think I would have to go back and look. I think I received some sort of notice, some sort of letter from somebody. I don't

1 LAWRENCE DOBROFF

2 remember, but I'm going to have to go back and
3 take a look.

4 MR. GRAFF: I'm going to
5 call for the production of that
6 letter or whatever document that
7 you would have.

8 THE WITNESS: Yes, I would
9 have to look.

10 MS. SENZER-GABOR: Please
11 follow-up in writing.

12 THE WITNESS: I will get
13 that to you, yes.

14 Q. So, you are not saying that you have
15 a disability, you are just saying that people
16 perceived you as having a disability?

17 A. Yes.

18 Q. They perceived you as not being ill
19 when you were actually ill?

20 A. That was my interpretation.

21 Q. So, is that what you are claiming?

22 A. Yes.

23 Q. You also claim that you were
24 discriminated based upon your religion. What is
25 your religion?

1 LAWRENCE DOBROFF

2 A. Jewish.

3 Q. Who discriminated against you because
4 you were Jewish?

5 A. At first, other than Dr. Waronker
6 knowing, he knew I was Jewish. Other than that,
7 I'm not 100 percent sure until this one event in
8 which I was left - - - I left a coat in his
9 office and it happened that I had a yarmulke in
10 my coat. I totally forgot that the coat was
11 there, and I got a call from the administrative
12 office from one of the secretaries. I don't
13 know which one, but it was quite honestly - - -
14 it was someone who called me and said "Did you
15 leave a coat?" I said "Oh, that is where it
16 is." She said "Oh, I didn't know that you were
17 Jewish."

18 I said "Why?" She said, "You left a
19 yarmulke in the coat."

20 Q. How did Dr. Waronker know that you
21 were Jewish?

22 A. Conversations.

23 Q. So, you told him?

24 A. Yes.

25 Q. Do you know what you told him?

1

LAWRENCE DOBROFF

2

A. I wished him a good Shabbos at the time and we got to talking.

3

4

Q. Was that early on in your employment with the District?

5

6

A. That was after I started, certainly not before I started.

7

8

Q. Did any of the Board members know that you were Jewish?

9

10

A. Not at the time.

11

Q. When you say "not at the time," at some point did they learn that?

12

13

A. I'm not too sure who knew or when. I don't remember. I knew some of them knew, but I can't tell you for certain who knew, when and what.

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Q. When Mr. Stith made the comments that you are alleging, do you know that he knew that you were Jewish?

18

19

20

A. No, not with 100 percent certainty.

21

22

Q. Do you know if he learned afterwards that you were Jewish?

22

23

A. Yes. When he - - we had e-mails where he certainly knew that I was Jewish.

24

25

Q. You sent him e-mails?

LAWRENCE DOBROFF

A. Yes.

Q. Did you send him e-mails from the District's e-mail server?

A. Yes, absolutely.

Q. What did the e-mails say in sum and substance?

A. In sum and substance that I didn't appreciate the anti-Semitic comments that he made, and I didn't appreciate the threats that he made.

Q. When were those e-mails sent?

A. Probably early January.

Q. Would that have been January of 2018?

A. Yes.

Q. Did you send them on your personal e-mail?

A. No. I believe that they were sent from the District's e-mail because I sent it to everyone. I first started sending just directly to Mr. Stith because I didn't want to make into a public event, and I wanted to keep it private to express my displeasure about his comments and his attitude. He decided to copy multiple people at that point and then I copied multiple

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too.

Q. Who did you copy in?

A. I think everyone that was on the Board was copied and I think the superintendent was copied. I believe Jack Bierwirth was copied.

Q. Based upon those e-mails - - -

A. In my mind, everyone knew that I was Jewish at that point, yes. Like I said, I don't know exactly when, but - - -

Q. You sent the e-mails from your District account; right?

A. Yes.

Q. Do you have copies of those?

A. Yes, I believe so.

Q. You believe that you have copies?

A. I believe I do.

MR. GRAFF: I'm going to ask for copies of those.

THE WITNESS: Sure.

MS. SENZER-GABOR: Please follow-up in writing.

Q. Your allegations regarding religious discrimination, there were comments made by Mr.

LAWRENCE DOBROFF

Stith that you claim were anti-Semitic. Was
three anything else that leads you to believe
that you had been discriminated based upon your
religion?

A. I believe that the whole hostile
environment going to Board meetings and
listening to other community members makes for a
very difficult work environment.

Q. That uncomfortable work environment,
did that occur in the business office or in
public meetings?

A. That occurred certainly in public
meetings, not so much in the business office.
Nobody said anything to me in the business
office.

Q. So, the environment that you are
talking about that was hostile, that was in
public meetings?

A. Public meetings, yes.

Q. You were required to attend those
public meetings; correct?

A. Yes.

Q. Did anyone tell you directly that you
had to attend the public meetings?

1 LAWRENCE DOBROFF

2 A. Yes.

3 Q. Who was that?

4 A. When the superintendent was there,
5 Dr. Waronker, I had to, and even after he left,
6 I still had to go, Regina Armstrong. It was not
7 only me, all the assistant superintendents had
8 to attend, and I was not held out separately.

9 Q. So, you were not treated differently?

10 A. I was not treated differently to
11 attend the meetings. But the gunshots that were
12 shot at the direction of everybody was just shot
13 at everyone. I can't say that they were aiming
14 for me.

15 Q. In the Notice of Claim on page 2 you
16 also say that you were discriminated against
17 based upon your "creed."

18 A. Not too sure how that actually plays
19 in after - - I didn't write it.

20 Q. You don't have a creed separate and
21 apart from your Jewish religion, do you?

22 A. No, I do not.

23 Q. On the second page of your Notice of
24 Claim, you say that "The unlawful and
25 discriminatory behavior commenced in or around

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August of 2017." What started in August of 2017?

A. My employment.

Q. So, from the very beginning you felt that the behavior - -

A. From Randy Stith, the comments and I can't put an exact date on it.

Q. That was in the meeting in September at the public meeting?

A. Yes.

Q. Other than the behavior that we talked about with Mr. Stith and your concerns about the administrator's Christmas party, was there any other behavior that you can tell me that you think was discriminatory, anything that you can think of?

A. Those are off the top of my head.

Q. Was there any other behavior that was discriminatory that stands out to you that you feel you were discriminated against because of race or religion, creed, age or disability?

A. Well, other than the fact that they hadn't even replaced me yet, and they put someone in charge of the office, Bridget

LAWRENCE DOBROFF

Villereale, who didn't have a skill set. That was the whole thing, that was a joke.

Q. What was a joke?

A. Letting me go. They just didn't want me there. You can't just find someone with my experience, take me out and put someone in with actually no business experience. She was not an accountant, and she didn't know how to run a business office. It was a \$200,000,000 budget in that office.

Q. What experience did you have coming into the District?

A. Thirty years of accounting/business; I also worked in the Cleary School for the Deaf as an interim business official; I also worked as an intern for a year and a half at the Amityville School District as an assistant superintendent. At the time, Dr. Fanning asked me to stay and help him as much as I could because he was short-staffed.

Q. Are you currently employed?

A. I am looking for work.

Q. Have you worked since your termination in 2018?

LAWRENCE DOBROFF

A. No, I'm looking.

Q. Did you have any source of income in 2018?

A. Some consulting.

Q. As a consultant, do you mean as an independent contractor?

A. Yes.

Q. Approximately how much was your income in 2018?

A. From - - -

Q. From your consultancy.

A. A few thousand dollars, maybe \$5,000, give or take.

Q. Did you collect unemployment?

A. Yes.

Q. For what period of time?

A. From the end of May to the beginning of December. It was a 26-week period that I was eligible for.

Q. Do you know approximately how much money you received from unemployment?

A. \$435 times 26. It was gross. There were taxes already taken out.

Q. Do you practice as an accountant?

LAWRENCE DOBROFF

A. I do.

Q. Do you have any private clients?

A. That's what I was saying before when I mentioned my consultancy.

Q. Do you do people's tax returns?

A. I do. I do businesses, individuals, CFO work for small companies if that comes in. It's hard to find, but that is kind of what I am looking at right now being that I can't find full-time employment.

Q. You also alleged in your Notice of Claim that you sustained emotional injuries. Have you seen a mental health practitioner?

A. No.

Q. Have you been diagnosed with any condition?

A. No. I'm not a big fan of psychiatrists.

Q. Also in your Notice of Claim you alleged that you suffered damages for physical injuries. Have you had any physical injuries? I am looking on page 2 towards the bottom.

A. I didn't - - -

Q. I meant to say financial injuries.

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LAWRENCE DOBROFF

I'm sorry. Have you suffered financial injuries?

A. Lack of income.

Q. Approximately how much?

A. Well, I was earning \$190,000 a year base plus health declination, which was about \$12,000 plus. That is because I was not in the traditional retirement program. I was receiving an additional 8 percent of \$190,000 that was deferred as a retirement payment from the State, from the District, actually.

Q. Why weren't you under a traditional retirement plan?

A. I chose not to be. In order to be in the traditional plan, you have to have 10 years of vesting and at that age, I couldn't be sure that I was going to work 10 years. I took the sure bet which was the 8 percent.

Q. As part of your Notice of Claim, you claim that you suffered and paid attorneys' fees. Do you know approximately how much in attorneys' fees you have paid?

A. To-date?

Q. Yes.

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LAWRENCE DOBROFF

A. Close to about \$20,000.

Q. Was that based upon your representation by Leeds Brown?

A. Partly.

Q. Partly from the Tand law firm as well?

A. Correct.

Q. Since you have been terminated, have you had any communications with Shimon Waronker?

A. I have talked to him a couple of times since my termination.

Q. Have you spoken to him about your claim?

A. I don't believe so.

Q. Have you spoken to him about his case against the District?

A. No.

Q. What type of communications were they; was it verbally or by e-mail?

A. Verbally.

Q. Did he ask you to support him in any way regarding his claim against the District?

A. No.

Q. Since your termination, have you had

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LAWRENCE DOBROFF

any communications with any of the employees in the District?

A. Alvin McDaniel.

Q. Who is Alvin McDaniel?

A. He was the deputy treasurer.

Q. What type of communications did you have with him?

A. He asked me some questions and I was trying to help him out. He was going to school at night for his license so that he could be a School District business official and I had originally agreed to mentor him through the practice when I was working there. When I left, I told him that if he needed any help - - I didn't just want to leave him out without any sort of support and he did ask me some questions.

Q. Was that verbally?

A. Verbally.

Q. Was it through the telephone?

A. Yes.

Q. I'm going to ask you a question finally and sometimes the attorney objects: Is there anything else that you want to tell the

LAWRENCE DOBROFF

District regarding you claim? I'm going to leave it open-ended because this is your opportunity to tell the District why we should resolve this matter with you before you take the next step in your litigation.

MS. SENZER-GABOR: I'm going to object to that.

MR. GRAFF: I always say that, and I always give you the opportunity.

I don't have anything further. Oh, I just have a few follow-up questions.

Q. I would like to go back to Exhibit 2, please.

A. Okay.

Q. What made you write this letter when you wrote it?

A. I believe the letter is fairly clear that it was with my - - it was discussing what was going on in the District, not only from the business office's standpoint of the issue, but just in general comments to the Commissioner.

Q. Was there anyone that told you to

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LAWRENCE DOBROFF

write this letter?

A. No one asked me, no one knew about it. It was strictly my doing.

Q. Did you have a conversation with anyone within the District before you wrote it?

A. Not a person. No one knew that I was going to write it but myself.

Q. After you wrote this letter, did you speak to anyone about having written this letter?

A. I don't believe that I did. It was meant for the Commissioner.

Q. Did you get any response to the letter?

A. Of course not. She has a reputation from what I have been told of not responding to anyone and I wasn't necessarily expecting a response. I felt obligated to make the statements that I made. As I said in here, you ask me questions about Jack Bierwirth's interfering. As you can see in my letter on page 2 I mentioned a meeting that we had with the external auditors. Everyone else was there and I was personally excluded. Why would I

LAWRENCE DOBROFF

purposefully be excluded from a meeting regarding the operations of the business office - - they were trying to keep the business official out of the meeting and it makes no sense. I'd understand if I had been there for two or three years but there was nothing - - we were supposed to be helping each other and this wasn't helping. This was whatever you want to call it, it was nonsense.

Q. Do you know when that meeting occurred?

A. In early January, I believe.

MR. GRAFF: I don't have any further questions.

[Time noted: 10:55 a.m.]

I N D E X

WITNESS	EXAMINATION BY	PAGE
L. Dobroff	Mr. Graff	3

CLAIMANT EXHIBITS	PAGE
Ex. 1 - Notice of Claim	3
Ex. 2 - Letter to Commissioner	24

REQUESTS	PAGE/LINE
1. Production of letter or document with information on comments made by Dr. Gates or Mr. Stith in meetings	32
2. Copy of e-mail from Mr. Dobroff to Mr. Smith and other administrators	36

QUESTIONS MARKED FOR A RULING	PAGE/LINE
(None)	

ACKNOWLEDGMENT

I, LAWRENCE DOBROFF, hereby certify that I have read the transcript of my testimony taken under oath in my deposition of January 22nd, 2019; that the transcript is a true, complete and correct record of my testimony, and that the answers on the record as given by me are true and correct.

LAWRENCE DOBROFF

Signed and subscribed before me this ____ day
of _____, 2019.

Notary Public

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CERTIFICATE

I, LYNN LUCKMAN, a Shorthand
Reporter and Notary Public within and for the
State of New York, do certify that;

I am not related to any of the
parties to this action by blood or marriage;
that I am in no way interested in the outcome
of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 6th day of February, 2019.

Lynn Luckman

LYNN LUCKMAN

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Errata Sheet

NAME OF CASE: LAWRENCE DOBROFF -against- ARMSTRONG

DATE OF DEPOSITION: 01/22/2019

NAME OF WITNESS: LAWRENCE DOBROFF

Reason Codes:

1. To clarify the record.
2. To conform to the facts.
3. To correct transcription errors.

Page Line Reason
From to

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From to

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